



IFW/1725

Dkt. 76774/RSM

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Willard Mark Truman GALLERNEAULT, Kevin Michael
GATENBY, Iljoon JIN, and Ronald Roger DESROSIERS

Serial No. : 10/574,459

Filed : March 31, 2006

For : BELT CASTING OF NON-FERROUS AND LIGHT METALS AND
APPARATUS THEREOF

1185 Avenue of the Americas
New York, New York 10036
September 20, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

**COMMUNICATION IN RESPONSE
TO AN AUGUST 24, 2007 OFFICE ACTION**

This Communication is submitted in response to the August 24, 2007 Office Action which was issued in connection with the above-identified application. A response to the Office Action is due September 24, 2007. Accordingly, this Communication is being submitted timely.

The Office Action requires a restriction under 35 U.S.C. §121 to one of the following allegedly distinct inventions:

- Group I - Claims 1-17, drawn to an apparatus and a method for casting molten metal; or
- Group II - Claims 18-22, drawn to a casting belt for use in a belt caster.

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The Office Action states that the inventions of Groups I and II do not relate to a single general inventive concept under U.S. and Patent Cooperation Treaty ("PCT") rules because these claims do not share a corresponding special technical feature which defines a contribution over the cited art. More specifically, according to the Office Action, using a belt caster for casting molten aluminum is either anticipated by or obvious over U.S. Patent No. 6,063,152 to Harrington.

In response to this restriction requirement, applicants hereby elect, with traverse, to prosecute the alleged separate invention of Group I, that is claims 1-17.

Applicants respectfully request that the restriction requirement be reconsidered and withdrawn. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. However, under M.P.E.P. §803, an application must be examined on the merits, even though it includes claims to independent or distinct inventions, if search and examination of an application can be made without serious burden.

Applicants maintain that it would not be a serious burden on the Examiner if restriction is not required in this application because a search of the prior art for a method for using a belt to cast molten metal as recited in claims 1-17 (Group I) should also include a search of the prior art for a casting belt for use in a belt caster as recited in claims 18-22 (Group II). Such a search is needed because patents claiming a particular apparatus often include methods for manufacturing with that apparatus and vice versa. Thus, applicants respectfully submit that there should be no

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serious burden on the Examiner to search for both Groups of claims. Thus, according to M.P.E.P. §803, the Examiner should examine the alleged separate inventions of this application on the merits.

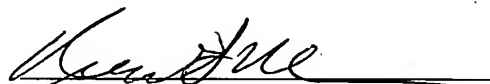
In view of the preceding election and remarks, applicants respectfully submit that this Communication replying to the restriction requirement is complete.

Applicants look forward to a favorable action on the merits.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

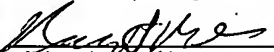
No fee is deemed necessary in connection with this Communication. However, if any such fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

 20 September 2007
Richard S. Milner Date
Reg. No. 33,970